



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0543

Introduced 2/17/2005, by Sen. Dan Rutherford

SYNOPSIS AS INTRODUCED:

105 ILCS 10/2	from Ch. 122, par. 50-2
105 ILCS 10/6	from Ch. 122, par. 50-6
30 ILCS 805/8.29 new	

Amends the Illinois School Student Records Act. Provides that school student records shall not include the name or schools attended of a former student who has been deceased for no less than 10 years. Allows access to school student records by agents or consultants of the school, school district, or the State Board of Education with an interest in the student, by an individual or entity for the purpose of alumni activities and development (provided that certain information is provided, the information pertains to former students who are 18 years of age or older, the release is limited to the name, years of attendance, year of graduation, and last known address, and the individual or entity to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records), and by the surviving spouse or heir of a deceased former student. Deletes language requiring that school student records released for the purpose of research, statistical reporting, or planning not contain information that can identify a student or parent. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 09858 NHT 40115 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois School Student Records Act is
5 amended by changing Sections 2 and 6 as follows:

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

7 Sec. 2. As used in this Act,

8 (a) "Student" means any person enrolled or previously
9 enrolled in a school.

10 (b) "School" means any public preschool, day care center,
11 kindergarten, nursery, elementary or secondary educational
12 institution, vocational school, special educational facility
13 or any other elementary or secondary educational agency or
14 institution and any person, agency or institution which
15 maintains school student records from more than one school, but
16 does not include a private or non-public school.

17 (c) "State Board" means the State Board of Education.

18 (d) "School Student Record" means any writing or other
19 recorded information concerning a student and by which a
20 student may be individually identified, maintained by a school
21 or at its direction or by an employee of a school, regardless
22 of how or where the information is stored. The following shall
23 not be deemed school student records under this Act: writings
24 or other recorded information maintained by an employee of a
25 school or other person at the direction of a school for his or
26 her exclusive use; provided that all such writings and other
27 recorded information are destroyed not later than the student's
28 graduation or permanent withdrawal from the school; and
29 provided further that no such records or recorded information
30 may be released or disclosed to any person except a person
31 designated by the school as a substitute unless they are first
32 incorporated in a school student record and made subject to all

1 of the provisions of this Act. School student records shall not
2 include information maintained by law enforcement
3 professionals working in the school. School student records
4 shall not include the name or schools attended of a former
5 student who has been deceased for no less than 10 years.

6 (e) "Student Permanent Record" means the minimum personal
7 information necessary to a school in the education of the
8 student and contained in a school student record. Such
9 information may include the student's name, birth date,
10 address, grades and grade level, parents' names and addresses,
11 attendance records, and such other entries as the State Board
12 may require or authorize.

13 (f) "Student Temporary Record" means all information
14 contained in a school student record but not contained in the
15 student permanent record. Such information may include family
16 background information, intelligence test scores, aptitude
17 test scores, psychological and personality test results,
18 teacher evaluations, and other information of clear relevance
19 to the education of the student, all subject to regulations of
20 the State Board. The information shall include information
21 provided under Section 8.6 of the Abused and Neglected Child
22 Reporting Act. In addition, the student temporary record shall
23 include information regarding serious disciplinary infractions
24 that resulted in expulsion, suspension, or the imposition of
25 punishment or sanction. For purposes of this provision, serious
26 disciplinary infractions means: infractions involving drugs,
27 weapons, or bodily harm to another.

28 (g) "Parent" means a person who is the natural parent of
29 the student or other person who has the primary responsibility
30 for the care and upbringing of the student. All rights and
31 privileges accorded to a parent under this Act shall become
32 exclusively those of the student upon his 18th birthday,
33 graduation from secondary school, marriage or entry into
34 military service, whichever occurs first. Such rights and
35 privileges may also be exercised by the student at any time
36 with respect to the student's permanent school record.

1 (Source: P.A. 92-295, eff. 1-1-02.)

2 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

3 Sec. 6. (a) No school student records or information
4 contained therein may be released, transferred, disclosed or
5 otherwise disseminated, except as follows:

6 (1) To a parent or student or person specifically
7 designated as a representative by a parent, as provided in
8 paragraph (a) of Section 5;

9 (2) To an employee, ~~or~~ official, agent, or consultant
10 of the school or school district or State Board with
11 current demonstrable educational or administrative
12 interest in the student, in furtherance of such interest;

13 (3) To the official records custodian of another school
14 within Illinois or an official with similar
15 responsibilities of a school outside Illinois, in which the
16 student has enrolled, or intends to enroll, upon the
17 request of such official or student;

18 (4) To any person for the purpose of research,
19 statistical reporting or planning, provided that ~~no~~
20 ~~student or parent can be identified from the information~~
21 ~~released and~~ the person to whom the information is released
22 signs an affidavit agreeing to comply with all applicable
23 statutes and rules pertaining to school student records;

24 (5) Pursuant to a court order, provided that the parent
25 shall be given prompt written notice upon receipt of such
26 order of the terms of the order, the nature and substance
27 of the information proposed to be released in compliance
28 with such order and an opportunity to inspect and copy the
29 school student records and to challenge their contents
30 pursuant to Section 7;

31 (6) To any person as specifically required by State or
32 federal law;

33 (6.5) To juvenile authorities when necessary for the
34 discharge of their official duties who request information
35 prior to adjudication of the student and who certify in

1 writing that the information will not be disclosed to any
2 other party except as provided under law or order of court.

3 For purposes of this Section "juvenile authorities" means:

4 (i) a judge of the circuit court and members of the staff
5 of the court designated by the judge; (ii) parties to the
6 proceedings under the Juvenile Court Act of 1987 and their
7 attorneys; (iii) probation officers and court appointed
8 advocates for the juvenile authorized by the judge hearing
9 the case; (iv) any individual, public or private agency
10 having custody of the child pursuant to court order; (v)
11 any individual, public or private agency providing
12 education, medical or mental health service to the child
13 when the requested information is needed to determine the
14 appropriate service or treatment for the minor; (vi) any
15 potential placement provider when such release is
16 authorized by the court for the limited purpose of
17 determining the appropriateness of the potential
18 placement; (vii) law enforcement officers and prosecutors;
19 (viii) adult and juvenile prisoner review boards; (ix)
20 authorized military personnel; (x) individuals authorized
21 by court;

22 (7) Subject to regulations of the State Board, in
23 connection with an emergency, to appropriate persons if the
24 knowledge of such information is necessary to protect the
25 health or safety of the student or other persons;

26 (8) To any person, with the prior specific dated
27 written consent of the parent designating the person to
28 whom the records may be released, provided that at the time
29 any such consent is requested or obtained, the parent shall
30 be advised in writing that he has the right to inspect and
31 copy such records in accordance with Section 5, to
32 challenge their contents in accordance with Section 7 and
33 to limit any such consent to designated records or
34 designated portions of the information contained therein;

35 (9) To a governmental agency, or social service agency
36 contracted by a governmental agency, in furtherance of an

1 investigation of a student's school attendance pursuant to
2 the compulsory student attendance laws of this State,
3 provided that the records are released to the employee or
4 agent designated by the agency;

5 (10) To those SHOCAP committee members who fall within
6 the meaning of "state and local officials and authorities",
7 as those terms are used within the meaning of the federal
8 Family Educational Rights and Privacy Act, for the purposes
9 of identifying serious habitual juvenile offenders and
10 matching those offenders with community resources pursuant
11 to Section 5-145 of the Juvenile Court Act of 1987, but
12 only to the extent that the release, transfer, disclosure,
13 or dissemination is consistent with the Family Educational
14 Rights and Privacy Act; or

15 (11) To the Department of Public Aid in furtherance of
16 the requirements of Section 2-3.131, 3-14.29, 10-28, or
17 34-18.26 of the School Code or Section 10 of the School
18 Breakfast and Lunch Program Act.

19 (12) At the discretion of the school district, to an
20 individual or entity, upon written request thereof, for the
21 purpose of school district alumni activities and
22 development if (i) the individual or entity making the
23 request is required to specify the school or schools and
24 year or years for which the information is sought, (ii) the
25 information sought pertains to former students who are 18
26 years of age or older, (iii) the release is limited to the
27 name, years of attendance, year of graduation, and last
28 known address of the former student, and (iv) the
29 individual or entity to whom the information is released
30 signs an affidavit agreeing to comply with all applicable
31 statutes and rules pertaining to school student records.

32 (13) To the surviving spouse of a deceased former
33 student or, if there is no surviving spouse, to a person
34 who would qualify as an heir under Section 2-1 of the
35 Probate Act of 1975.

36 (b) No information may be released pursuant to

1 subparagraphs (3) or (6) of paragraph (a) of this Section 6
2 unless the parent receives prior written notice of the nature
3 and substance of the information proposed to be released, and
4 an opportunity to inspect and copy such records in accordance
5 with Section 5 and to challenge their contents in accordance
6 with Section 7. Provided, however, that such notice shall be
7 sufficient if published in a local newspaper of general
8 circulation or other publication directed generally to the
9 parents involved where the proposed release of information is
10 pursuant to subparagraph 6 of paragraph (a) in this Section 6
11 and relates to more than 25 students.

12 (c) A record of any release of information pursuant to this
13 Section must be made and kept as a part of the school student
14 record and subject to the access granted by Section 5. Such
15 record of release shall be maintained for the life of the
16 school student records and shall be available only to the
17 parent and the official records custodian. Each record of
18 release shall also include:

19 (1) The nature and substance of the information
20 released;

21 (2) The name and signature of the official records
22 custodian releasing such information;

23 (3) The name of the person requesting such information,
24 the capacity in which such a request has been made, and the
25 purpose of such request;

26 (4) The date of the release; and

27 (5) A copy of any consent to such release.

28 (d) Except for the student and his parents, no person to
29 whom information is released pursuant to this Section and no
30 person specifically designated as a representative by a parent
31 may permit any other person to have access to such information
32 without a prior consent of the parent obtained in accordance
33 with the requirements of subparagraph (8) of paragraph (a) of
34 this Section.

35 (e) Nothing contained in this Act shall prohibit the
36 publication of student directories which list student names,

1 addresses and other identifying information and similar
2 publications which comply with regulations issued by the State
3 Board.

4 (Source: P.A. 93-404, eff. 8-1-03.)

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.29 as follows:

7 (30 ILCS 805/8.29 new)

8 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 94th General Assembly.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.